

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Anja BAUER et al.

**Confirmation No. 3148**

Group Art Unit: 1617

Serial No. : 10/812,469

Examiner: Jean-Louis, Samira

Filed : March 29, 2004

For : COSMETIC OR DERMATOLOGICAL STICK

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Appeal Brief - Patents  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

This Appeal is from the Examiner's Final Rejection of claims 18-29 and 32-36 set forth in the Final Office Action mailed from the U.S. Patent and Trademark Office on April 22, 2008 and confirmed in the Advisory Action mailed August 4, 2008.

A Notice of Appeal in response to the April 22, 2008 Final Office Action was filed on September 4, 2008. A request for a one-month extension of time is being filed concurrently herewith.

The requisite fee under 37 C.F.R. § 41.20(b)(2) for filing this Appeal Brief and the fee for a one-month extension of time are being paid concurrently herewith. The Patent and Trademark Office is hereby authorized to charge any additional fees that may be deemed necessary for

maintaining the pendency of this application, including any appeal or extension of time fees that may be deemed necessary, to Deposit Account No. 19-0089.

**TABLE OF CONTENTS**

I.	REAL PARTY IN INTEREST	4
II.	RELATED APPEALS AND INTERFERENCES	4
III.	STATUS OF CLAIMS	4
IV.	STATUS OF AMENDMENTS	5
V.	SUMMARY OF CLAIMED SUBJECT MATTER	5
VI.	GROUND OF REJECTION TO BE REVIEWED ON APPEAL	7
VII.	ARGUMENTS	8
VIII.	CONCLUSION	16
	CLAIMS APPENDIX	17
	EVIDENCE APPENDIX	25
	RELATED PROCEEDINGS APPENDIX	26

### **I. REAL PARTY IN INTEREST**

The real party in interest in this appeal is Beiersdorf AG of Hamburg, Germany. The corresponding assignment was recorded in the U.S. Patent and Trademark Office on August 18, 2004 at REEL 015073, FRAME 0406 (and corrected on March 28, 2005 at REEL 015963, FRAME 0483).

### **II. RELATED APPEALS AND INTERFERENCES**

Appellants, Appellants' representative or the Assignee are not aware of any prior and pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

### **III. STATUS OF CLAIMS**

The status of the claims is as follows:

Claims 18-37 are pending in this application.

Claims 1-17 are cancelled.

Claims 30, 31 and 37 are withdrawn from consideration.

Each of claims 18-29 and 32-36 is indicated as rejected in the Final Office Action mailed April 22, 2008.

The rejection of each of claims 18-29 and 32-36 is under appeal. Claims 18-29 and 32-36 involved in the appeal are reproduced in the Claims Appendix attached hereto.

#### IV. STATUS OF AMENDMENTS

No Amendment has been filed subsequent to the Final Office Action mailed April 22, 2008.

#### V. SUMMARY OF CLAIMED SUBJECT MATTER

##### A. Claim 18

Independent claim 18 is drawn to a water-in-oil emulsion which is solid at room temperature and comprises:

- (a) a fatty phase which comprises
  - (a1) at least one oil component, and
  - (a2) at least one wax component;
- (b) a water phase which comprises
  - (b1) from 30% to 85% by weight of water, based on the total weight of the emulsion, and
  - (b2) from 5% to 50% by weight, based on the total weight of the emulsion, of at least one skin-moisturizing agent selected from glycerol, chitosan, Fucogel, propylene glycol, polyethylene glycol, dipropylene glycol, butylene glycol, mannitol, lactic acid, glycine, sodium pyrrolidonecarboxylic acid, hyaluronic acid, urea, and salts thereof; and
- (c) at least one water-in-oil emulsifier selected from surface-active substances of the formula A-B-A', where A and A' are identical or different hydrophobic organic radicals and B is a hydrophilic group.

See, e.g., page 12, line 8 to page 13, line 2 of the present specification.

**B. Claim 36**

Independent claim 36 is drawn to a cosmetic or dermatological stick which comprises a water-in-oil emulsion. The emulsion is solid at room temperature, is capable of being filled into a sleeve-like packaging at a temperature of 90 °C and comprises:

- (a) a fatty phase which comprises
  - (a1) at least one oil component, and
  - (a2) at least one wax component;
- (b) a water phase which comprises
  - (b1) from 30% to 85% by weight of water, based on the total weight of the emulsion, and
  - (b2) from 5% to 50% by weight, based on the total weight of the emulsion, of at least one skin-moisturizing agent selected from glycerol, chitosan, Fucogel, propylene glycol, polyethylene glycol, dipropylene glycol, butylene glycol, mannitol, lactic acid, glycine, sodium pyrrolidonecarboxylic acid, hyaluronic acid, urea, and salts thereof; and
- (c) at least one water-in-oil emulsifier selected from surface-active substances of the formula A-B-A', where A and A' are identical or different hydrophobic organic radicals, and B is a hydrophilic group.

See, e.g., page 12, line 8 to page 13, line 2 and page 18, lines 1-8 of the present specification.

## VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The broad issues under consideration are:

1. Whether claims 18-28, 32, 33 and 36 are properly rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schreiber et al., U.S. Patent No. 6,613,338 (hereafter "SCHREIBER") in view of Pescatore et al., U.S. Patent No. 5,753,212 (hereafter "PESCATORE"), and in particular, whether the disclosures of SCHREIBER and PESCATORE are sufficient to establish a *prima facie* case of obviousness of the subject matter of claims 18-28, 32, 33 and 36.

2. Whether claim 29 is properly rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over SCHREIBER in view of PESCATORE and further in view of Butuc, US 2002/0055562 A1 (hereafter "BUTUC"), and in particular, whether the disclosures of SCHREIBER, PESCATORE and BUTUC are sufficient to establish a *prima facie* case of obviousness of the subject matter of claim 29.

3. Whether claims 34 and 35 are properly rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over SCHREIBER in view of PESCATORE and further in view of Fabrisi, U.S. Patent No. 5,860,756 (hereafter "FABRISI"), and in particular, whether the disclosures of SCHREIBER, PESCATORE and FABRISI are sufficient to establish a *prima facie* case of obviousness of the subject matter of claims 34 and 35.

## VII. ARGUMENTS

### A. Citation of Authority

#### Obviousness

The appropriate starting point for a determination of obviousness is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459, 466 (1966):

Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined.

The test of obviousness *vel non* is statutory and requires a comparison of the claimed subject matter as a whole with the prior art to which the subject matter pertains. *In re Brouwer*, 77 F.3d, 422, 37 U.S.P.Q. 2d 1663 (Fed. Cir. 1996); *In re Ochiai*, 71 F.3d 1565, 37 U.S.P.Q. 2d 1127 (Fed. Cir. 1995).

Often, it will be necessary to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. This analysis should be made explicit. There must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-1741. "A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be



important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." *Id.*, at 1741.

"If the Examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned." *In re Rijckaert*, 9 F.3d, 1532, 28 U.S.P.Q.2d, 1956 (Fed. Cir. 1993), citing *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

**B. Claims 18-28, 32, 33 and 36 Are Not Properly Rejected Under 35 U.S.C. 103(a) As Being Unpatentable Over SCHREIBER In View OF PESCATORE**

**1. Summary of Rejection**

The rejection essentially alleges that SCHREIBER teaches a water-in-oil emulsion which shows all of the elements that are recited in the rejected claims with the exception that SCHREIBER does not teach a composition that is spreadable and storage-stable in a temperature range from -10°C to 50°C, an emulsion that is solid at room temperature or an emulsion that is capable of being filled at a temperature of 90°C. In this regard, the rejection essentially asserts that the disclosure of SCHREIBER as a whole discloses these elements inherently or that the missing elements are rendered obvious by PESCATORE, respectively.

**2. Response**

**a. SCHREIBER neither teaches nor suggests emulsions comprising 5% to 50% by weight of skin-moisturizing agent**

Appellants note that the present independent claims recite a water-in-oil emulsion which comprises, *inter alia*, from 5% to 50% by weight, based on the total weight of the

emulsion, of at least one skin-moisturizing agent selected from the list of compounds recited in independent claims 18 and 36, *inter alia*, glycerol, glycine and lactic acid.

The Examiner appears to take the position that the use of at least 5% of glycerol, glycine and/or lactic acid in the emulsions of SCHREIBER is rendered obvious to one of ordinary skill in the art for the mere reason that several of the exemplified compositions of SCHREIBER comprise glycerol, that both glycine and lactic acid are mentioned in SCHREIBER as examples of one or more antioxidants which may optionally be present in the emulsions disclosed therein and that SCHREIBER discloses that the one or more oxidants may be present in a total concentration of from 0.001% to 30% by weight.

Appellants respectfully submit that the Examiner's assessment of what is taught and/or suggested by SCHREIBER is based on hindsight. In particular, while almost all of the 27 compositions which are exemplified by SCHREIBER contain glycerol, these compositions contain glycerol invariably in a concentration of 2% by weight, i.e., a concentration which is only 40 % of the lower value of the concentration range for the skin-moisturizing agent that is recited in the present independent claims.

Additionally, SCHREIBER is completely silent regarding the intended function and the potential benefits of the use of glycerol in the compositions taught therein, which is an indication to one of ordinary skill in the art that the presence of glycerol in the compositions of SCHREIBER is of no particular importance. This interpretation of the teaching of SCHREIBER is reinforced by the fact that the composition of Example 21 of SCHREIBER (antiacne stick with a high water content) does not contain any glycerol at all.

It also is to be taken into account that, while moisturizers are mentioned in col. 2, line 22 of SCHREIBER, they are mentioned only as optional ingredients of lipcare sticks. However, most of the exemplified compositions of SCHREIBER which comprise glycerol are not lipcare sticks, which is an indication that the intended function of glycerol in the compositions of SCHREIBER is not that of a moisturizer.

In view of the foregoing facts there is no apparent reason for one of ordinary skill in the art to use (significantly) more than 2 % of glycerol, if any glycerol at all, in the compositions of SCHREIBER.

Further, while SCHREIBER teaches that one or more antioxidants may optionally be present in the compositions disclosed therein and that the one or more antioxidants may be present in a total concentration of from 0.001% to 30% by weight, it also is a fact that glycine and lactic acid are only two members of a laundry list of more than hundred exemplary antioxidants of various types which are set forth in column 13, lines 19-62 of SCHREIBER. Accordingly, even if one were to assume, *arguendo*, that in view of the disclosure of SCHREIBER one of ordinary skill in the art would be motivated to include one or more antioxidants in the compositions disclosed therein, there clearly is no apparent reason to pick specifically glycine and/or lactic acid, i.e., compounds which are not typically and frequently employed as antioxidants (and in particular, as antioxidants in cosmetic compositions), let alone to employ glycine and/or lactic acid in a (combined) concentration of at least 3 % by weight (if one were to assume that the compositions already contain 2 % by weight of glycerol).

In this regard, it also needs to be taken into account that although SCHREIBER discloses the optional presence of one or more antioxidants (as well as several other

optional components) in the compositions disclosed therein, not a single one of the altogether 27 compositions exemplified by SCHREIBER contains any antioxidant, let alone any of the antioxidants from the laundry list of antioxidants disclosed by SCHREIBER, which is a clear teaching to one of ordinary skill in the art that the use of antioxidants in the compositions of SCHREIBER is of no importance and affords no particular benefit. In view thereof, it is not seen that the teaching of SCHREIBER provides an apparent reason for one of ordinary skill in the art to incorporate substantial amounts of any antioxidant, let alone of glycine and/or lactic acid, into the compositions of SCHREIBER.

It further is pointed out that one of ordinary skill in the art is aware that the broad concentration range of 0.001% to 30% by weight for the one or more antioxidants as disclosed by SCHREIBER does not apply to each and every individual antioxidant (or each and every combination of antioxidants) from the laundry list provided by SCHREIBER. In fact, SCHREIBER itself mentions in col. 13, lines 38-39 thereof that some of the antioxidants from the laundry list in col. 13 are to be employed "in very small tolerated doses (pmol to  $\mu\text{mol/kg}$ )".

In this regard, Appellants further note that the Examiner has not cited a single document which discloses any cosmetic composition which contains a substantial amount of lactic acid and/or glycine and in particular contains lactic acid and/or glycine in a (total) concentration of at least 5 % by weight (or at least 3 % by weight, if one were to assume that 2 % by weight of glycerol are present as well), regardless of the stated intended function of lactic acid and/or glycine in a corresponding composition. Accordingly, even if one were to assume, *arguendo*, that one of ordinary skill in the art

would be motivated to incorporate one or more of glycerol, glycine and lactic acid into a composition according to SCHREIBER, the Examiner has failed to establish that glycerol, glycine and lactic acid would be employed in a total concentration of at least 5 % by weight.

Appellants submit that for at least all of the foregoing reasons, SCHREIBER fails to render obvious the use of 5 % to 50 % by weight of one or more of glycerol, glycine and lactic acid (and/or any of the other skin-moisturizing agents recited in the present claims) in the compositions described therein.

**b. PESCATORE is unable to cure the deficiencies of SCHREIBER**

PESCATORE apparently is unable to cure any of the deficiencies of SCHREIBER set forth above. Specifically, unlike SCHREIBER, PESCATORE does not relate to chemical aspects of cosmetic (stick) products at all but relates to a method of filling a (stick) dispenser (see, e.g., title of PESCATORE).

Moreover, while SCHREIBER is concerned with lipsticks, antiacne sticks, sunscreen sticks and eyeshadow sticks with a high water content (see, e.g., abstract of SCHREIBER), PESCATORE relates at least predominantly to antiperspirant or deodorant sticks with unknown water content (see, e.g., abstract of PESCATORE). For this reason alone, there is no apparent reason for one of ordinary skill in the art to combine the disclosures of SCHREIBER and PESCATORE.

**c. Claims 32 and 36**

Even if one were to assume, *arguendo*, that one of ordinary skill in the art would be motivated to combine the disclosures of SCHREIBER and PESCATORE, it is not seen that the mere fact that PESCATORE discloses that an antiperspirant or deodorant of undisclosed chemical composition is present in molten form at a temperature between 65°C to 85°C and is present in a non-molten condition at a temperature of 40°C or below allows any conclusion as to the properties of the (non-deodorant and non-antiperspirant) stick compositions of SCHREIBER, let alone renders it obvious to provide a stick as recited in, e.g., present claims 32 and 36.

**d. Claim 33**

Claim 33 depends from claim 32 (which in turn, depends from claim 18) and recites that the stick of claim 32 is spreadable and storage-stable in the temperature range of from -10°C to 50°C.

Appellants note that the Examiner has not provided any explanation at all as to why one of ordinary skill in the art following the teaching and alleged suggestions of SCHREIBER and PESCATORE would necessarily arrive at a stick which comprises, *inter alia*, from 5% to 50% by weight of at least one skin-moisturizing agent from the list recited in claim 18 and is spreadable and storage-stable in the (broad) temperature range of from -10°C to 50°C. This is an additional reason (i.e., in addition to those set forth above with respect to, *inter alia*, independent claim 18) why the subject matter of claim 33 is not rendered obvious by SCHREIBER in view of PESCATORE.

In view of the foregoing, it is submitted that the Examiner has failed to establish a *prima facie* case of obviousness of the subject matter of any one of claims 18-28, 32, 33 and 36 over SCHREIBER in view of PESCATORE.

**C. Claim 29 Is Not Properly Rejected Under 35 U.S.C. 103(a) As Being Unpatentable Over SCHREIBER In View Of PESCATORE And In Further View Of BUTUC**

Appellants note that claim 29 depends from claim 18. As set forth above in section VII.B.2. above, the subject matter of claim 18 is not rendered obvious by SCHREIBER in view of PESCATORE. For this reason alone, the Examiner has failed to establish a *prima facie* case of obviousness of the subject matter of dependent claim 29 over SCHREIBER in view of PESCATORE and in further view of BUTUC.

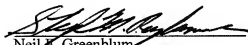
**D. Claims 34 and 35 Are Not Properly Rejected Under 35 U.S.C. 103(a) As Being Unpatentable Over SCHREIBER In View Of PESCATORE And In Further View Of FABRISI**

Appellants note that claims 34 and 35 (ultimately) depend from claim 18. As set forth above in section VII.B.2. above, the subject matter of claim 18 is not rendered obvious by SCHREIBER in view of PESCATORE. For this reason alone, the Examiner has failed to establish a *prima facie* case of obviousness of the subject matter of dependent claims 34 and 35 over SCHREIBER in view of PESCATORE and in further view of FABRISI.

### VIII. CONCLUSION

Appellants respectfully submit that for at least all of the foregoing reasons, the Examiner has failed to establish a *prima facie* case of obviousness of any of the subject matter of claims 18-29 and 32-36 over SCREIBER, PESCATORE, BUTUC and FABRISI, which is a prerequisite for maintaining a rejection under 35 U.S.C. § 103. The Board is, therefore, respectfully requested to reverse the Final Rejection, and to allow the application to issue in its present form.

Respectfully submitted,  
Anja BAUER et al.



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## CLAIMS APPENDIX

18. A water-in-oil emulsion, wherein the emulsion is solid at room temperature and comprises:

- (a) a fatty phase which comprises
  - (a1) at least one oil component, and
  - (a2) at least one wax component;
- (b) a water phase which comprises
  - (b1) from 30% to 85% by weight of water, based on the total weight of the emulsion, and
  - (b2) from 5% to 50% by weight, based on the total weight of the emulsion, of at least one skin-moisturizing agent selected from glycerol, chitosan, Fucogel, propylene glycol, polyethylene glycol, dipropylene glycol, butylene glycol, mannitol, lactic acid, polyethylene glycol, glycine, sodium pyrrolidonecarboxylic acid, hyaluronic acid, urea, and salts thereof; and
- (c) at least one water-in-oil emulsifier selected from surface-active substances of the formula A-B-A', where A and A' are identical or different hydrophobic organic radicals, and B is a hydrophilic group.

19. The emulsion of claim 18, wherein the at least one skin moisturizing agent (b2) comprises glycerol.

20. The emulsion of claim 19, wherein the at least one skin moisturizing agent (b2) comprises glycerol and a second skin moisturizing agent selected from chitosan, Fucogel,

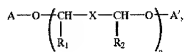
polyethylene glycol, lactic acid, polyethylene glycol, glycine, sodium pyrrolidonecarboxylic acid, hyaluronic acid, urea, and salts thereof.

21. The emulsion of claim 18, wherein the emulsion comprises at least 35% by weight of water.

22. The emulsion of claim 18, wherein the emulsion comprises at least 45% by weight of water.

23. The emulsion of claim 18, wherein the at least one water-in-oil emulsifier (c) comprises at least one water-in-oil emulsifier selected from:

(i) water-in-oil emulsifiers of formula



wherein

- A and A' are identical or different hydrophobic organic radicals,
- a is a number of from 1 to 100,
- X is a single bond or the group



- R<sub>1</sub> and R<sub>2</sub>, independently of one another, are H or methyl, with the proviso that R<sub>1</sub> and R<sub>2</sub> are not both methyl at the same time,
- R<sub>3</sub> is selected from H and branched and unbranched, saturated and unsaturated alkyl and

- acyl radicals having 1-20 carbon atoms;
- (ii) fatty alcohols having 8-30 carbon atoms;
- (iii) monoglycerol esters of saturated or unsaturated, branched or unbranched alkanecarboxylic acids or hydroxyalkanoic acids with a chain length of 8-24 carbon atoms;
- (iv) diglycerol esters of saturated or unsaturated, branched or unbranched alkanecarboxylic acids or hydroxyalkanoic acids with a chain length of 8-24 carbon atoms;
- (v) triglycerol esters of saturated or unsaturated, branched or unbranched alkanecarboxylic acids or hydroxyalkanoic acids with a chain length of 8-24 carbon atoms;
- (vi) polyglycerol esters of saturated or unsaturated, branched or unbranched alkanecarboxylic acids or hydroxyalkanoic acids with a chain length of 8-24 carbon atoms with up to 10 glycerol units;
- (vii) monoglycerol ethers of saturated or unsaturated, branched or unbranched alcohols with a chain length of 8-24 carbon atoms;
- (viii) diglycerol ethers of saturated or unsaturated, branched or unbranched alcohols with a chain length of 8-24 carbon atoms;
- (ix) triglycerol ethers of saturated or unsaturated, branched or unbranched alcohols with a chain length of 8-24 carbon atoms;
- (x) polyglycerol ethers of saturated or unsaturated, branched or unbranched alcohols with a chain length of 8-24 carbon atoms with up to 10 glycerol units;

(xi) propylene glycol esters of saturated or unsaturated, branched or unbranched alkanecarboxylic acids or hydroxyalkanoic acids with a chain length of 8-24 carbon atoms;

(xii) sorbitan esters of saturated or unsaturated, branched or unbranched alkanecarboxylic acids or hydroxyalkanoic acids with a chain length of 8-24 carbon atoms;

(xiii) sorbitan esters of polyols;

(xiv) pentaerythrityl esters of saturated or unsaturated, branched or unbranched alkanecarboxylic acids or hydroxyalkanoic acids with a chain length of 8-24 carbon atoms;

(xv) methylglucose esters of saturated or unsaturated, branched or unbranched alkanecarboxylic acids or hydroxyalkanoic acids with a chain length of 8-24 carbon atoms;

(xvi) polyglycerol methylglucose esters of saturated or unsaturated, branched or unbranched alkanecarboxylic acids or hydroxyalkanoic acids with a chain length of 8-24 carbon atoms;

(xvii) glyceryl fatty acid citrates;

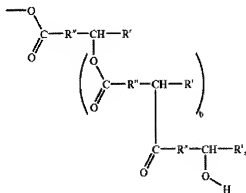
(xviii) cetyl dimethicone copolyols;

(xix) alkyl methicone copolyols;

(xx) alkyl dimethicone ethoxyglucosides; and

(xxi) water-in-oil emulsifiers described in (i)-(xx) which are polyethoxylated, polypropoxylated or both polyethoxylated and polypropoxylated.

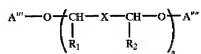
24. The emulsion of claim 18, wherein in the at least one water-in-oil emulsifier (c) the radicals A and A' are selected from (i) branched and unbranched, saturated and unsaturated alkyl and acyl radicals and hydroxyacyl radicals having 10-30 carbon atoms, and (ii) hydroxyacyl groups joined together via ester functions, according to the formula



where R' is selected from branched and unbranched alkyl groups having from 1 to 20 carbon atoms, R'' is selected from branched and unbranched alkylene groups having from 1 to 20 carbon atoms, and b has a value of from 0 to 200.

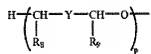
25. The emulsion of claim 18, wherein the at least one water-in-oil emulsifier (c) comprises at least one of PEG-30 dipolyhydroxystearate, decaglyceryl heptaoleate, polyglyceryl-3 diisostearate, PEG-8 distearate, diglycerol dipolyhydroxystearate, glycerol isostearate, sorbitan isostearate, polyglyceryl-3 methylglucose distearate and steareth-2.

26. The emulsion of claim 18, wherein the emulsion further comprises a stabilizer selected from substances of formula



wherein

- A''' and A'''' are identical or different hydrophobic organic radicals selected from alkyl radicals, acyl radicals and radicals of formula:



wherein

R<sub>8</sub> and R<sub>9</sub> may be identical or different and are selected from saturated and unsaturated alkyl and acyl radicals having 1-30 carbon atoms, p is a number of from 1-20, and Y represents a single bond or the group



- a is a number of from 1 to 100,

- X is a single bond or the group



- R<sub>1</sub> and R<sub>2</sub>, independently of one another, are H or methyl, with the proviso that R<sub>1</sub> and R<sub>2</sub> are not both methyl at the same time,

- R<sub>3</sub> is selected from H and branched and unbranched, saturated and unsaturated alkyl and acyl radicals having 1-30 carbon atoms.

27. The emulsion of claim 26, wherein the stabilizer comprises one or more of a PEG-45/dodecyl glycol copolymer, a PEG-22/dodecyl glycol copolymer, and a methoxy PEG-22/dodecyl glycol copolymer.

28. The emulsion of claim 18, wherein the emulsion further comprises one or more of at least one pigment, at least one dye and at least one powder substance.

29. The emulsion of claim 18, wherein the emulsion further comprises at least one anti-wrinkle substance.

32. A cosmetic or dermatological stick, wherein the stick comprises the water-in-oil emulsion of claim 18.

33. The stick of claim 32, wherein the stick is spreadable and storage-stable in a temperature range of from -10°C to 50°C.

34. The stick of claim 32, wherein the stick is present in a sleeve-like packaging.

35. The stick of claim 34, wherein the sleeve-like packaging can be filled on both sides from top and bottom.

36. A cosmetic or dermatological stick, wherein the stick comprises a water-in-oil emulsion which is solid at room temperature and comprises:

- (a) a fatty phase which comprises
  - (a1) at least one oil component, and
  - (a2) at least one wax component;
- (b) a water phase which comprises
  - (b1) from 30% to 85% by weight of water, based on the total weight of the emulsion, and
  - (b2) from 5% to 50% by weight, based on the total weight of the emulsion, of at least one skin-moisturizing agent selected from glycerol, chitosan, Fucogel, propylene glycol, polyethylene glycol, dipropylene glycol, butylene glycol, mannitol, lactic acid, polyethylene glycol, glycine, sodium pyrrolidonecarboxylic acid, hyaluronic acid, urea, and salts thereof; and
- (c) at least one water-in-oil emulsifier selected from surface-active substances of the formula  
A-B-A', where A and A' are identical or different hydrophobic organic radicals, and B is a hydrophilic group;  
and wherein the emulsion is capable of being filled into a sleeve-like packaging at a temperature of 90 °C.



**EVIDENCE APPENDIX**

None.

**RELATED PROCEEDINGS APPENDIX**

None.